

NOTION DENIED

FILED 26TH day of MARCH

2013

Louise W. Flanagan

LOUISE W. FLANAGAN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:10-CR-105-1FL

UNITED STATES OF AMERICA)
)
 v.)
)
 MYKEAL JOVAN GREENE)

MOTION TO QUASH

On March 4, 2013, Defendant Mykeal Greene filed a motion requesting issuance of a subpoena to Assata Buffaloe, a former Assistant District Attorney (ADA) in Hertford County, to testify at his upcoming sentencing. Greene claims in his motion that he “needs Ms. Buffaloe to testify at sentencing so that the court can have a full picture of his state and federal cooperation.” DE 92 at 1. The Court granted the motion shortly after it was filed, before the government had an opportunity to respond.

The government now moves to quash the subpoena. As the Court knows, and Greene’s counsel should also know, a defendant’s cooperation is routinely summarized by the government at sentencing without witness testimony. If the government’s summary is not complete, then the defendant’s attorney can fill in any gaps.

In this case, the undersigned AUSA has spoken with Ms. Buffaloe who provided details about Greene’s cooperation. The government will share that information with the Court at the appropriate time. Greene’s attorney is also free to contact Ms. Buffaloe, who is obviously not a hostile witness.

Accordingly, there is absolutely no need for Ms. Buffaloe’s testimony, and the subpoena directing her to appear at Greene’s sentencing should be quashed.

Respectfully submitted this 4th day of March, 2013.

THOMAS G. WALKER
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2013, I caused a copy of the foregoing to be served by electronic filing on Defendant's attorney of record, Keith Williams.

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